

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
NE/S Sugarcone Road, 25' SE of
the c/l of Mandel Court
(1 Mandel Court)
3rd Election District
2nd Councilmanic District
Leslie J. Polt, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 25 feet in lieu of the minimum required 40 feet for a proposed deck enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. The pictorial evidence indicates that the proposed deck enclosure, which is in the nature of a screened porch, will provide more habitable space for the family during inclement weather. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of June, 1991 that the Petition for Residential Variance to permit a rear yard setback of 25 feet in lieu of the minimum required 40 feet for a proposed deck enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed porch to be converted to a second dwelling unit and/or apartments. The porch shall contain no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

June 11, 1991

Mr. & Mrs. Leslie J. Polt
1 Mandel Court
Baltimore, Maryland 21209

RE: PETITION FOR RESIDENTIAL VARIANCE
NE/S Sugarcone Road, 25' SE of the c/l of Mandel Court
(1 Mandel Court)
3rd Election District - 2nd Councilmanic District
Leslie J. Polt, et ux - Petitioners
Case No. 91-438-A

Dear Mr. & Mrs. Polt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 867-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-438-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently reside at 1 Mandel Court, Baltimore, Maryland 21209 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Request is merely to enclose existing deck as a screened-in porch. However, location of house and deck on lot did not meet setback minimums under zoning in effect when house was built. Without variance, deck cannot be enclosed.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a repeating and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature) Audrey Polt
Affiant (Printed Name) Audrey Polt

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 10th day of May, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Leslie J. and Audrey Polt

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and oath in due form of law that the matters and facts hereinabove set forth are true and correct to his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

May 10, 1991

Anna M. Paine
NOTARY PUBLIC
My Commission Expires: March 1, 1994

Beginning on the northeast side of Sugarcone Road, 60 feet wide, at the distance of 25 feet southeast the centerline of Mandel Court, Being Lot 31 in Block J of Section 6 in the "Green Gate" subdivision. Also known as 1 Mandel Court containing 0.366 of an acre in the 3rd Election District.

91-438-A

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 23, 1991

NR-3353

Mr. & Mrs. Leslie J. Polt
1 Mandel Court
Baltimore, Maryland 21209

Re: CASE NUMBER: 91-438-A
LOCATION: NE/S Sugarcone Road, 25' SE of c/l Mandel Court
1 Mandel Court

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 29, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 13, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

PETITION FOR RESIDENTIAL VARIANCE

91-438-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1702.2 (265.4, 8.20, 1985) to permit a 25' rear yard setback in lieu of 40'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) This variance is to enclose existing rear deck that was part of original house, to permit use as the 3rd floor unit as a screened in porch. House did not conform with original zoning.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1 Mandel Ct

Address

Baltimore, Maryland 21209

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Leslie J. Polt

Name

1 Mandel Ct, 21209

Address

ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19, that the subject matter of this petition be posted on the property on or before the day of , 19.

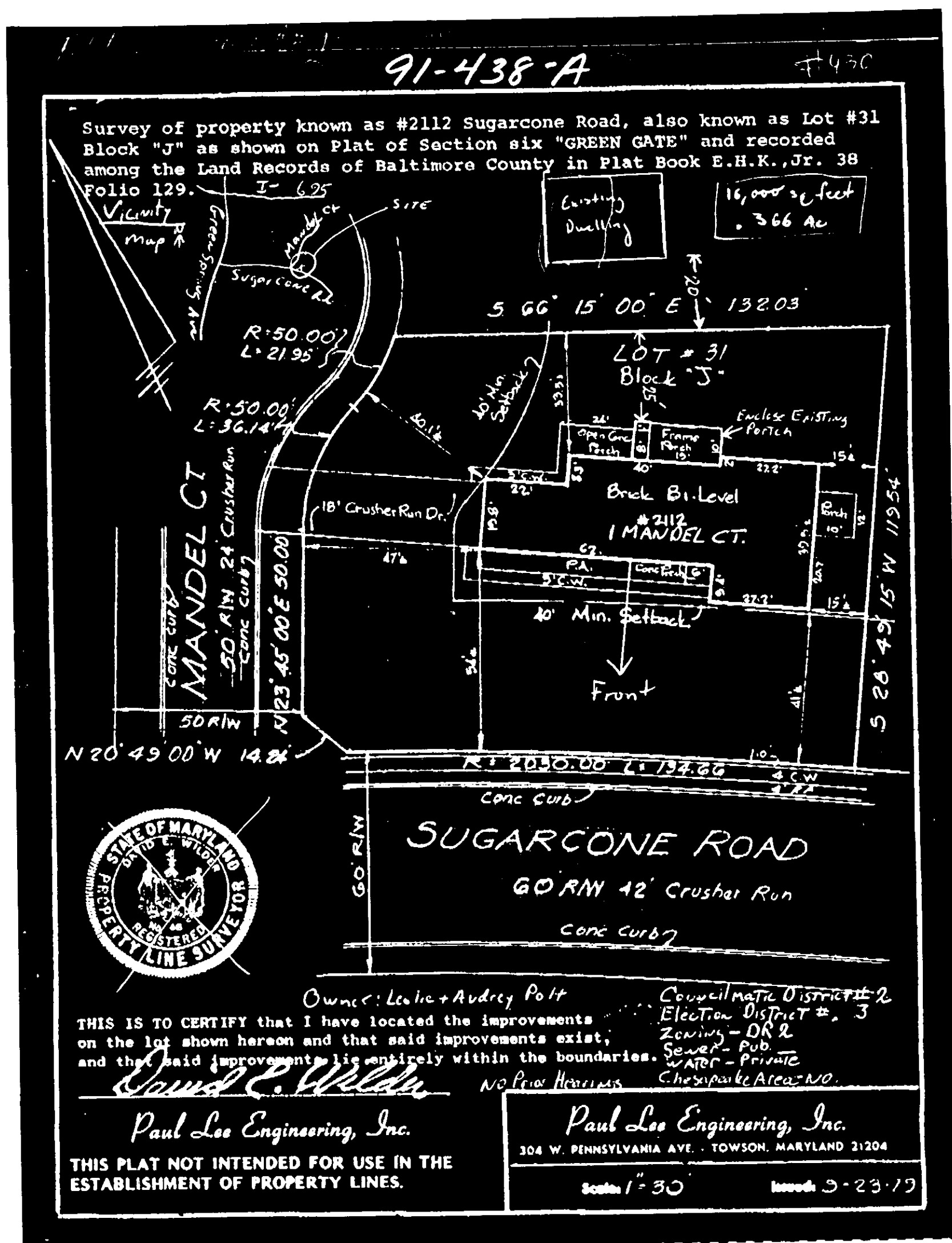
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the day of , 19, at o'clock, .

Est post - 5/10/91
Date 5/10/91
By

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: 10 days
Petitioner: Leslie J. Polt and Audrey Polt
Location of property: 1 Mandel Court, Baltimore, Maryland 21209
Location of Sign: 1 Mandel Court, Baltimore, Maryland 21209
Remarks: 10 days
Posted by: G. G. Stephens
Number of Signs: 2
Date of return: 5/20/91



receipt

Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account: R-001-6150
 Number

Date: 5/13/91

Public Hearing Fees

ITEM	QUANTITY	UNIT PRICE	TOTAL
Public Hearing Fee	1	\$25.00	\$25.00
Public Hearing Fee	1	\$25.00	\$25.00
TOTAL			\$50.00

04A04M0039MICHRC \$60.00
 Please Make Checks Payable To: Baltimore County 008158AM05-13-91

From the Desk of...

Leslie J. Polt

5/10/91

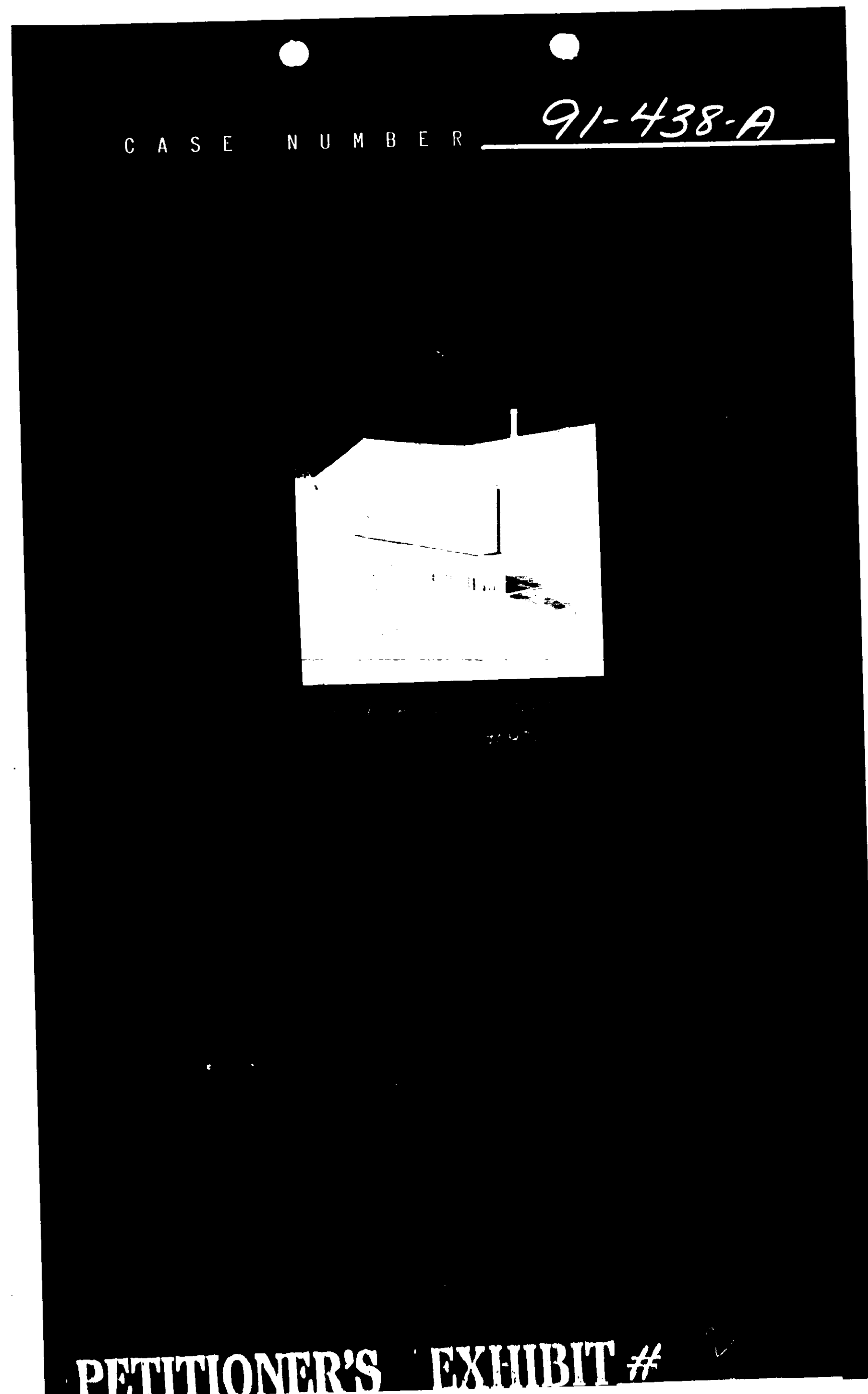
Baltimore County Zoning Office

We respectfully request early passing of the zoning motion and, assuming that no objections are filed, either of any hearing and issuance of an administrative variance.

Very truly yours,
 L. Polt

91-438-A

#430



May 10, 1991

91-438-A

Baltimore County Zoning Office
 Development Control
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: 1 Mandel Court

To Whom It May Concern:

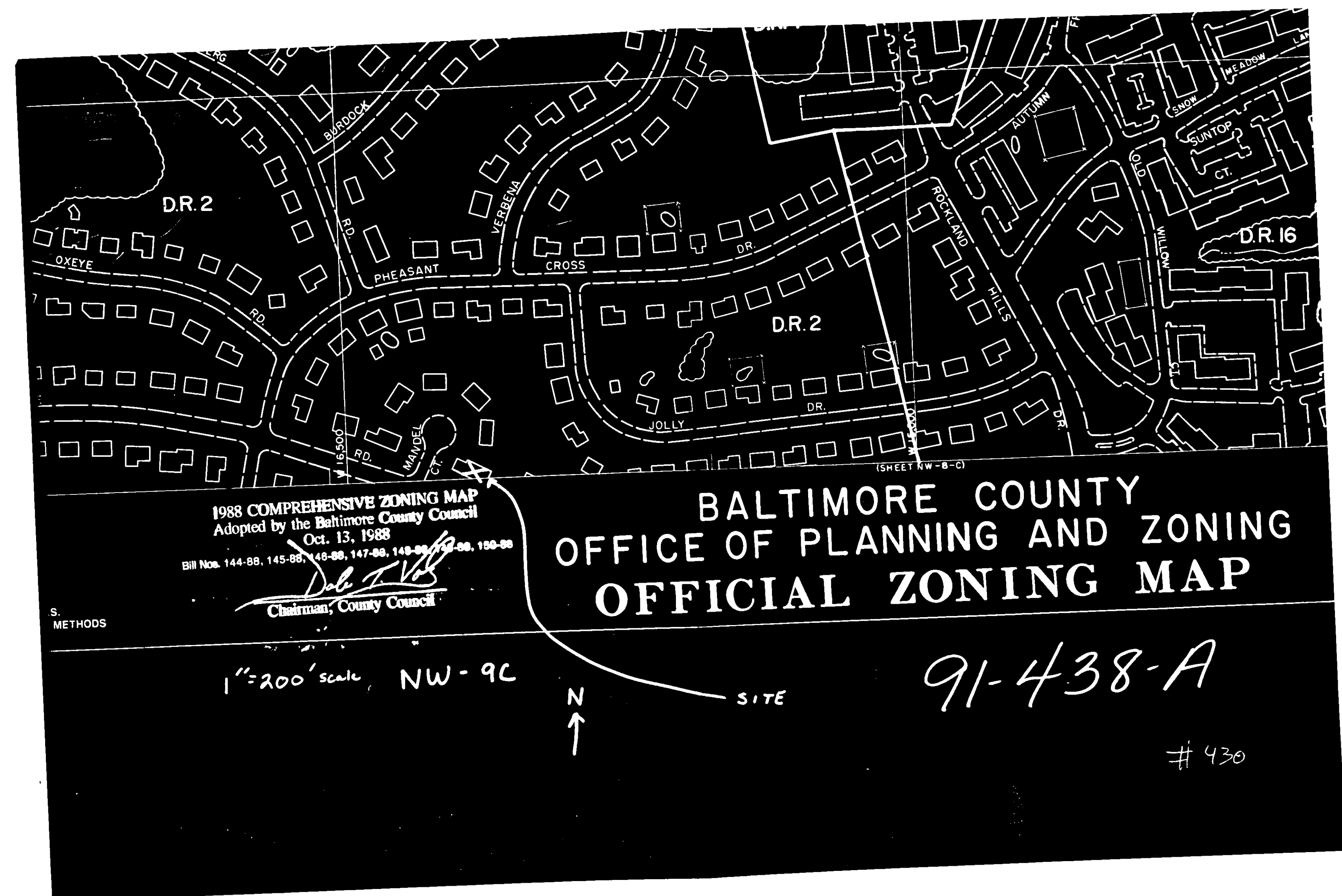
We understand that Mr. and Mrs. Polt, owners of 1 Mandel Court have applied for a residential variance in order to enclose an existing rear deck. We are adjacent homeowners, residing at 3 Mandel Court. Mr. Polt has informed us that the distance from the enclosure to our joint property line is approximately 25 feet, which distance is not in compliance with the minimum setback requirements.

Mr. Polt has described to us the proposed addition and the requirement for a zoning variance. We wish to inform you that the proposed improvement is acceptable to us, and that we will not oppose the petition for residential variance.

Very truly yours,
 Howard Weinstein
 Lois Weinstein

ZONING.210

#430



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 11, 1991

Mr. & Mrs. Leslie J. Polt
1 Mandel Court
Baltimore, MD 21209

RE: Item No. 430, Case No. 91-438-A
Petitioner: Leslie J. Polt, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Polt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
10th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Leslie J. Polt, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 3, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James D. Lamont, Item No. 424
Elwood L. Ulmer, Item No. 426
Thomas P. Ogle, Sr., Item No. 428
Leslie J. Polt, Item No. 430 ✓

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PR/JL/cmm

ITEMVAR/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 21, 1991

This office has no comments for items number 424, 425, 426, 428 and 430.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

5

Baltimore County Government
Fire Department



780 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 21, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LESLIE J. POLT

Location: #1 MANDEL COURT

Item No.: 430 Zoning Agenda: MAY 21, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*
Planning Group
Special Inspection Division

JK/REK

RECEIVED
MAY 11 1991

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: June 7, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 21, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 424, 425, 426, 428 and 430.

For Item 429, a County Review Group Meeting may be required.

Robert W. Bowling
Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:s